

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 82

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE USE OF THE INTERNET TO ANNOY, TERRIFY, THREATEN, INTIMIDATE, HARASS OR OFFEND; AMENDING SECTION 18-6710, IDAHO CODE, TO PROVIDE FOR THE CRIME OF USING EMAILS, TEXT MESSAGES OR POSTS ON THE INTERNET TO ANNOY, TERRIFY, THREATEN, INTIMIDATE, HARASS OR OFFEND, TO PROVIDE FOR PRIMA FACIE EVIDENCE, TO PROVIDE APPLICATION AND TO PROVIDE WHEN THE OFFENSE IS DEEMED TO HAVE BEEN COMMITTED IN THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-6710, Idaho Code, be, and the same is hereby amended to read as follows:

18-6710. USE OF TELEPHONE OR INTERNET TO ANNOY, TERRIFY, THREATEN, INTIMIDATE, HARASS OR OFFEND BY LEWD OR PROFANE LANGUAGE, REQUESTS, SUGGESTIONS OR PROPOSALS – THREATS OF PHYSICAL HARM – DISTURBING THE PEACE BY REPEATED CALLS – PENALTIES. (1) Every person who, with intent to annoy, terrify, threaten, intimidate, harass or offend, telephones ~~another~~ or emails or sends a text message or posts on the internet to another and (a) addresses to or about such person any obscene, lewd or profane language, or makes any request, suggestion or proposal which is obscene, lewd, lascivious or indecent; or (b) addresses to such other person any threat to inflict injury or physical harm to the person or property of the person addressed or any member of his family, or any other person; or (c) by repeated anonymous or identified telephone calls or emails, text messages or internet posts whether or not conversation ensues, disturbs the peace or attempts to disturb the peace, quiet, or right of privacy of any person at the place where the telephone call or calls or emails, text messages or internet posts are received, is guilty of a misdemeanor and upon conviction thereof, shall be sentenced to a term of not to exceed one (1) year in the county jail. Upon a second or subsequent conviction, the defendant shall be guilty of a felony and shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

(2) The use of obscene, lewd or profane language or the making of a threat or obscene proposal, or the making of repeated anonymous telephone calls, emails, text messages or internet posts as set forth in this section may be prima facie evidence of intent to annoy, terrify, threaten, intimidate, harass or offend.

(3) For the purposes of this section, the term "telephone" shall mean any device which provides transmission of messages, signals, facsimiles, video images or other communication between persons who are physically separated from each other by means of telephone, telegraph, cable, wire or the projection of energy without physical connection.

(4) For the purposes of this section, "internet posts" means use of internet sites including, but not limited to, social networking sites and personal blogs.

1 (5) An offense enumerated in this section is committed in the state of Idaho for purposes
2 of determining jurisdiction if the transmission that constitutes the offense either originates in or
3 is received in the state of Idaho.